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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION SIX

THE PEOPLE,

Plaintiff and Respondent,

v.

BENIGNO MADRID PEREZ,

Defendant and Appellant.

2d Crim. No. B212309  
(Super. Ct. No. 2008003922)  
(Ventura County)

ORDER MODIFYING OPINION AND  
DENYING REHEARING  
[NO CHANGE IN JUDGMENT]

THE COURT:

It is ordered that the opinion filed on May 3, 2010, be modified as follows:

On page 8, the first full paragraph beginning “Appellant urges us to reject,” and the second full paragraph beginning “We decline appellant’s invitation,” are omitted and replaced with the following:

Appellant urges us to reject *Llamas*. For support, he cites to the same footnote from *People v. Green*, and also refers us to cases from other jurisdictions purporting to recognize that one cannot be convicted of stealing property in which he or she has an ownership interest. (See, e.g., *State v. Rabalais* (La.App. 2000) 759 So.2d 836, 840-841; *People v. Zinke* (1990) 76 N.Y.2d 8.) We decline the invitation. *Llamas* is well reasoned and legally sound, and appellant provides no persuasive reason for us to reject it.

There is no change in the judgment. Appellant's petition for rehearing is denied.